

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

THOMAS GADDIS,
Plaintiff,

v.

Case No. 1:23-cv-308-CLM

PRIM F. ESCALONA, et al.,
Defendants.

MEMORANDUM OPINION

On February 20, 2023, pro se plaintiff Thomas Gaddis filed a complaint along with an application to proceed in forma pauperis. (Docs. 1, 2). The court denied Gaddis' motion for leave to proceed in forma pauperis without prejudice and ordered Gaddis to replead his complaint by May 19, 2023 or face dismissal of this action. (Doc. 3). The court advised Gaddis that his original complaint failed to state a claim upon which relief can be granted and was frivolous, so if he failed to timely file an amended complaint, the court would dismiss his case without further notice. (*See id.* at 5). The court further advised Gaddis that he needed to either correct the deficiencies in his IFP application or pay \$402 (\$400 filing fee + \$2 administrative fee) by the May 19 deadline. (*Id.*).

The deadline to comply with the court's order has passed and Gaddis hasn't responded to the order. So the court will **DISMISS** Gaddis' complaint **WITHOUT PREJUDICE** for failure to state a claim upon which relief can be granted, frivolity, and failure to prosecute. The court will enter a separate order that carries out this ruling.

Done and Ordered on June 2, 2023.


A handwritten signature in cursive script, reading "Corey L. Maze", is written over a horizontal line.

COREY L. MAZE
UNITED STATES DISTRICT JUDGE